

# Isn't There a Law About That?

## A Guide to Finding Vermont Law

**Y**ou've just lost a close election for local office. The counting went late, and many of those doing the counting were tired. You're the losing candidate. Now what do you do?

The board of civil authority heard your tax appeal a month ago. Doesn't the law say that if the board takes too much time issuing its decision, you win?

The zoning administrator tells you that you can't have a home occupation in your back bedroom. Can she be right?

What is the law on open meetings, and when can the selectboard legitimately enter executive session? What is the speed limit on a town highway not posted for a particular speed? What is the rule about remaining on the checklist if your daughter moves to another state for college?

There are times in your life when you need to know what the law is. You want to know it right now and you don't want to call (or pay) a lawyer to find it for you. What will you do?

This pamphlet is intended to get you started. It tells you where to look and what to look for, on paper or on the internet, to find and read Vermont law.

The law is not just for lawyers and public officials. It is the operating manual for life in Vermont. It binds and regulates everybody's actions. Knowing it, being able to recite it and rely on it, is a right of any person. So what are you afraid of?

### Fear of the Law

Let's face it. From the outside, the law looks very intimidating. Visit the town clerk's office someday and take a look at it. It's a set of green books, about twenty of them, entitled *Vermont Statutes Annotated*. Every town clerk's office has to keep a set, and it's a set you can use.

Just look at those green books, standing there on the shelf, so proper and so bold. Within those covers are all the state laws that apply to you, organized by title, chapter and section. Pull down a volume and just leaf through it, reading a sentence here or there.

It's written in English. They stopped using Latin a long time ago. It's written in a wooden style, to be sure, but

regular people—legislators—understood it at the time it was passed, so why shouldn't you?

Now if your assignment for tonight was to read the whole set of books, you'd rightly balk at the idea. But nobody reads the whole thing. It's treated like an encyclopedia. You only take down the volume you need. The challenge is finding the right section.

### On the Internet

We've talked about the green books, but most Vermonters now go online to find the law. It's faster and easier, and it's there on your computer any time you want to see it. It takes some experience to become familiar with the search process, but once you have used the legislative page a few times, you will quickly learn keys to finding the law.

Go to [legislature.vermont.gov](http://legislature.vermont.gov). Open the tab "Vermont Laws." The statutes are all there, along with a search option ("Statutes Search"). Now, to answer some of the questions we began with: Type in "election contest." Scroll down to "17 V.S.A. § 2603 Contest of elections." There you'll see you have fifteen days to challenge an election, filing a complaint with the superior court, unless there's a recount. Back to the search option, type "recount." Scroll down to "17 V.S.A. § 2683 Request for a recount; candidates." You have ten days after a local elec-

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tion to request a recount, but only if there's a 5 percent or less difference between the winning candidates and the next losing candidate.

On the page where you found the details on requesting a recount, there is a blue-tinged title, "Chapter 055: Local Elections." That brings you to a listing of all of the statutes dealing with the subject. Scroll down to the bottom of the page to see "Full Text of Chapter," and each of the laws appears in a single set of pages. To understand one statute, you often need context, and reading through the parts of the chapter you can understand how the pieces fit together.

The legislative home page also provides access to the legislative process. Choose "Bills & Resolutions" and the first menu item is "Bill, Act & Resolution Search." Try "Keyword and/or Sponsor," for example, and type "conduct of elections." There you'll find the bills that have been introduced for that legislative session.

The law was never this accessible before the advent of the computer. Knowing what it says, knowing its context, is vital in understanding your rights and your options.

## **Organization of the Vermont Statutes**

In Title 1 of the green books or under the legislative home page's "Vermont Laws" tab, the editors have placed the U.S. and Vermont Constitutions. The last volumes of the books are the index; the search engine on the web page is the digital version. In between are thirty-three titles, organized by subject. Title 17 is Elections. Title 15 is Marriage and Divorce. Title 32 is Taxes. The law on qualifying for a business name is 11 V.S.A. § 1621, which means Section 1621 in Title 11 of the Vermont Statutes Annotated, abbreviated "V.S.A."

You will note that a "title" is not the same as a volume, looking at the books. Some volumes contain several titles; some titles are in more than one volume. Titles are organized into chapters, which you find listed at the beginning of the title. Sections (which are denoted by the § symbol—and note that §§ is the plural form of §) have subsections using letters or numbers.

Law changes every year. Every year the legislature enacts new laws and amends existing ones, producing a thick volume called Acts and Resolves. Every summer, the official publisher of the statutes issues pocket parts, which are found at the back of each volume of the V.S.A. Always check to be sure the pocket parts are up-to-date in the volume you're using.

You are ready to look something up.

## **Finding Aids**

Most people find the law they need after using the index to put them in the neighborhood of the subject matter, and then read forward and backward in that area to locate the answer to their questions.

Sometimes the table of contents at the beginning of the title or the one at the beginning of the chapter is the best source. Sometimes, if you find a related subject, you can find a reference to the statute you're looking for under the heading "Cross References" beneath the law itself. But most often, you hunt for the right law by reading through a chapter or two before finding it.

Diligence is essential in any undertaking, of course, but those trying to look up the law need to recognize the wisdom of closing the books at some point and coming back

another time. Even seasoned researchers use this technique to handle the stress and frustration of this kind of work.

Of course, you could ask for help. The town clerk knows the statutes. Listers can help you find references to the tax laws in Title 32. The Secretary of State's Office can provide assistance to you, through its web page or if you call the office.

## Start at the Beginning and Read through to the End

Everyone who has used the Vermont statutes has been embarrassed by failing to follow this simple rule. You cannot rush this business. You need to know what the law says, but you also need to know how it fits with other laws. Chapter reading, as opposed to section reading, is a good remedy against the danger of a little knowledge of the law.

The legislature tries to put everything together in the same place, but there are exceptions. Sometimes exceptions are found in later sections or entirely different chapters; sometimes definitions play as important a role as what the statute says in plain English.

Few sections were enacted into law as single sentences. The more common practice is to propose whole chapters of law. Read the whole chapter. Don't think you can take one sentence or part of a sentence out of context and expect that will do. That's not the way law is written or enforced.

## Legislative History

Knowing the history of the law you're researching is sometimes important. Knowing when the law was first enacted and when and how it was amended are sometimes critical to questions of enforcement as well.

A brief legislative history of a statute is found following the statute itself. Look at 1 V.S.A. § 316, for instance. It says, "Added 1975, No. 231 (Adj. Sess.); amended 1987, No. 85, § 5, eff. June 9, 1987." Below that, under the heading "History," it says, "Amendments—1987, Subsection (e): Added."

To see the original statute, as enacted in 1975, you would need to look at the Acts and Resolves for 1976 (which is the adjourned session of the 1975 session of the legislature), in Act No. 231. Acts and Resolves is a book published each summer by the Secretary of State, compiling all the new laws from that year's legislative session, and it is available for review and copying at the town clerk's office. You can find the acts passed in prior sessions of the legislature on the web page, back to the 1985-1986 legislative session. Before that year, a visit to the State Archives in Middlesex will serve to give you access to acts back to 1778.

Beyond the language of a statute and its amendments, you can read minutes from the legislative committees who have reviewed and rewritten the law at the Vermont State Archives, and transcripts or tapes of some committee hearings through the Legislative Council at the State House.

## Looking Up Cases

The courts interpret statutes when deciding cases. Somebody has used the statute as authority or a defense, and the court has used the statute in its decision. If you want to understand a statute fully, reading the leading cases on a statute is very useful.

Under many statutes, as they appear in the V.S.A., there is a section named "Annotations." These are references to decisions of the Vermont Supreme Court or other opinions. There

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is a paragraph describing the ruling, and then a citation of the decision. Take this as an example, found under 1 V.S.A. § 316, a part of the state's public records law:

*Motive is irrelevant to the right of access under this chapter. Finberg v. Murnane (1992), 159 Vt. 431, 623 A.2d 979.*

This could be important to your next public records search when the clerk asks you why you want to see the records.

Not everyone needs to read the whole case, but relying too much on the annotation is not always prudent either. Suppose you want to read *Finberg v. Murnane*. The first challenge is knowing what to look for. The case name *Finberg v. Murnane* means that Finberg sued Murnane and the case made it finally to the Vermont Supreme Court. Its reported decision is found in "159 Vt. 431," meaning Volume 159 of the Vermont Reports, beginning on page 431.

The next question is how to find the case. Most lawyers have sets of the Vermont Reports, as does the State Archives in Middlesex, and some other libraries. On the internet, you can locate most decisions by typing the name into a search engine. *Finberg v. Murnane* is accessible that way.

You may not find the answer to your question in a court case, but it can help you understand the statute or at least how the courts will handle such questions.

## Other Sources of Vermont Law

State agencies have adopted rules, which they have written to flesh out the procedures and other details left undone in statute. Towns have ordinances and bylaws, which they have adopted to govern life in the community. These are as important in researching Vermont law as anything else.

Finding them is not always easy. State rules are often available in paper form from the agency. The best way to

find them is through the agency's web page. A complete set is available for review and copying at the State Archives. Town ordinances and bylaws are available through the town clerk or the town web page, for most towns.

## Now You Try It

Want to try to find the law? Use the six questions at the beginning of this pamphlet as a challenge to see if you can conduct basic research on locating Vermont law. The answers are found upside-down below.

## A Last Word on Vermont Law

Look at it this way: if only lawyers and legislators know the law, then democracy isn't working. This system of government relies on a knowledgeable electorate and on citizens who know and apply the law as they need it. A little patience, a little diligence, and you can read for yourself whether a town or state official is right or not.

More importantly, you can know in advance how you will be treated. That is so much more efficient than showing up, not being prepared, and having to come back again for something else.

Think of the law as an operating manual for life as a citizen. You can't know everything, but you can start with what you need to know and work out from there. There's really no excuse not to do it.

### Answers

1. Losing Candidate's Right to a Recount: 17 V.S.A. § 2683.
2. Delays in Tax Appeals: 32 V.S.A. § 4404.
3. Home Occupations: 24 V.S.A. § 4406.
4. Executive Session: 1 V.S.A. § 313.
5. Local Speed Limits: 23 V.S.A. § 1007.
6. Residency and Checklists: 17 V.S.A. § 2122.

## The Vermont Institute for Government

The Vermont Institute for Government (VIG) is a nonprofit organization dedicated to ensuring that government remains responsive, accessible, and competent, by improving educational opportunities for local officials and the public regarding how government works. Since 1989, VIG has been creating educational materials, offering

workshops, and collaborating on a variety of trainings and educational events for Vermont's town officers and citizens.

This pamphlet is one in a series of VIG publications on Vermont local issues. For more information and additional resources, please visit the Vermont Institute for Government website: [vtinstituteforgovt.org](http://vtinstituteforgovt.org).

*Please note: This pamphlet was revised and updated in the spring of 2020. Changes in the law subsequent to that date may make some of what is written here no longer valid. Always check the latest versions of the law before proceeding.*